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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number

10/658,351

Filing Date

September 8, 2003

First Named Inventor

Anthony H. JAMES

Art Unit

1646

Examiner Name

Attorney Docket Number

39262/287705

ENCLOSURES (check all that apply)

Fee Transmittal Form

Drawing(s)

After Allowance Communication to Group

Fee Attached

Licensing-related Papers

Appeal Communication to Board of Appeals and Interferences

Amendment / Reply

Petition

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

After Final

Petition to Convert to a Provisional Application

Proprietary Information

Affidavits/declaration(s)

Power of Attorney, Revocation Change of Correspondence Address

Status Letter

Extension of Time Request

Terminal Disclaimer

Other Enclosure(s)
(please identify below):

Express Abandonment Request

Request for Refund

1. Form PTO/SB/08 (2 sheets)
2. 28 publications

Information Disclosure Statement

CD, Number of CD(s) _____

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Michael J. Turton, Reg. No. No. 40,852

Signature

Date

2-19-04

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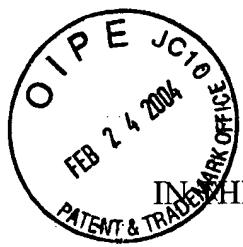
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
)
 Anthony H. JAMES, et al.)
)
)
Serial No.: 10/658,351 Art Unit: 1646
)
)
Filed: September 8, 2003 Examiner: Unknown
)
For: ORTHOPAEDIC IMPLANT AND)
 SCREW ASSEMBLY)
)
Commissioner for Patents Attorney Docket No. 39262/287705
P. O. Box 1450
Alexandria, Virginia 22313-1450 Date: February 19, 2004

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08 are submitted for consideration by the Examiner. The Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003. Therefore, Applicants are not providing copies of the cited U.S. patents at this time.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made, or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

U.S. Serial No. 10/658,351
Filed: September 8, 2003
INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being filed before the issuance of a first office action on the merits of the application (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be due. If a fee is due, the Commissioner is authorized to charge such fee and any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



Michael J. Turton
Reg. No. 40,852

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
404-815-6061



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Substitute for Form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet

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of

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Complete if Known

Application Number	10/658,351
Filing Date	September 8, 2003
First Named Inventor	Anthony H. JAMES
Group Art Unit	1646
Examiner Name	

Attorney Docket Number

39262/287705

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		4,622,959	11/18/1986	Marcus	
		4,657,001	04/14/1987	Fixel	
		4,827,917	05/09/1989	Brumfield	
		4,978,349	12/18/1990	Frigg	
		5,032,125	07/16/1991	Durham, et al.	
		5,122,141	06/16/1992	Simpson, et al.	
		5,167,663	12/01/1992	Brumfield	
		5,176,681	01/05/1993	Lawes, et al.	
		5,312,406	05/17/1994	Brumfield	
		5,454,813	10/03/1995	Lawes	
		5,531,748	07/02/1996	De la Caffiniere	
		5,562,666	10/08/1996	Brumfield	
		5,573,536	11/12/1996	Grosse, et al.	
		5,591,168	01/07/1997	Judet, et al.	
		5,653,709	08/05/1997	Frigg	
		5,713,902	02/03/1998	Friedl	
		5,741,256	04/21/1998	Bresina	
		5,908,422	06/01/1999	Bresina	
		5,928,235	07/27/1999	Friedl	
		6,077,264	06/20/2000	Chemello	
		6,106,528	08/22/2000	Durham, et al.	
		6,123,708	09/26/2000	Kilpela, et al.	
		6,126,661	10/03/2000	Faccioli, et al.	
		6,221,074 B1	04/24/2001	Cole, et al.	
		6,228,086 B1	05/08/2001	Wahl, et al.	
		6,235,031 B1	05/22/2001	Hodgeman, et al.	
		6,322,591 B1	11/27/2001	Ahrens	
		2002/0032445 A1	03/14/2002	Fujiwara	
		6,406,477 B1	06/18/2002	Fujiwara	
		6,443,954 B1	09/03/2002	Bramlet, et al.	
		6,461,360 B1	10/08/2002	Adam	
		6,468,278 B1	10/22/2002	Muckter	
		2003/0004514 A1	02/02/2003	Frigg, et al.	
		6,524,314 B1	02/25/2003	Dean, et al.	
		6,533,789 B1	03/18/2003	Hall, IV, et al.	
		6,562,042 B2	05/13/2003	Nelson	
		2002/0156473 A1	10/24/2002	Bramlet, et al.	

Examiner Signature

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO		Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/658,351	
(use as many sheets as necessary)		Filing Date	September 8, 2003	
		First Named Inventor	Anthony H. JAMES	
		Group Art Unit	1646	
		Examiner Name		
Sheet	2	2	Attorney Docket Number	39262/287705

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		EP 586 824		03/16/1994	Europe	
		EP 1 273 271 A2		06/22/2002	Europe	
		EP 0 640 318 A1		03/01/1995	Europe	
		EP 0 355 411 A1		02/28/1990	Europe	
		EP 0 838 199 A1		04/29/1998	Europe	
		01175872 A2		01/30/2002	Europe	
		00715832 B1		01/02/2002	Europe	
		DE 197 23 339 C2		12/17/1998	Germany	
		WO 95/26688		10/12/1995	PCT	
		WO 97/08999		03/13/1997	PCT	
		WO 97/18769		05/29/1997	PCT	
		WO 01/56487		08/09/2001	PCT	
		WO 01/34045 A1		05/17/2002	PCT	
		WO 01/39679 A1		12/03/1999	PCT	
		WO 01/56487 A1		08/09/2001	PCT	
		WO 02/085219		10/31/2002	PCT	
		WO 03/015649 A1		02/27/2003	PCT	
		WO 03/022166 A1		03/20/2003	PCT	
		WO 03/028567		04/10/2003	PCT	
		WO 03/032852		04/24/2003	PCT	

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
		Brochure entitled "OR manual PLATON (tantum)) the medical people," 22 pages, August 2002	
		Web page entitled, The PLATON-Locking-Nail system, numerous improvements, » one page, 12/06/03	
		Web page entitled The PLATON-Locking-Nail system: Quality without compromise, two pages, 06/30/2003	
		Ballabarba, et al., Percutaneous Treatment of Peritrochanteric Fractures Using the Gamma Nail, <i>Clin. Ortho.</i> , 375:30-42 (June 2000)	
		Baixaulli, et al., "A Reinforced Rigid Fixation Device for Unstable Intertrochanteric Fractures," <i>Clin. Ortho.</i> , 1(361):205-215 (April 1999)	
		Elder, et al., "Biomechanical Evaluation of Calcium Phosphate Cement-Augmented Fixation of Unstable Intertrochanteric Fractures," <i>JOT</i> , 14(6):386-393 (August 2000)	
		Roberts, et al., Second Generation Intramedullary Nailing of Subtrochanteric Femur Fractures: A Biomechanical Study of Fracture Site Motion, <i>JOT</i> , 16(4) :231-238 (April 2002)	
		Robinson, et al., Implant-Related Fractures of the Femur Following Hip Fracture Surgery, <i>JBJS</i> , 84(7):1116 (2002)	

Examiner Signature	Date Considered
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